# PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

#### **MINUTES**

### **OCTOBER 10, 2006**

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday**, **October 10**, **2006 at 3:17 p.m.**, **in Committee Room #2**. The following members were present:

The Honorable Cleta Winslow, Chair The Honorable C. T. Martin, Vice-Chair The Honorable Anne Fauver The Honorable Joyce Sheperd The Honorable Carla Smith

The following members were absent:

The Honorable Ivory L. Young, Jr. The Honorable H. Lamar Willis

Others present at the meeting were: Councilmember Jim Maddox, Jerry DeLoach, Terry Grandison and Dianne Mitchell, Law Department; Deputy Chief, Carlos Banda, Karen Rogers, Mayor's Office of Weed and Seed; Raines Carter, City Solicitor; the media, public and Council Staff.

Chair Cleta Winslow called the meeting to order at 3:17 p.m. after declaring a quorum present. She then proceeded with the following order of business.

# A. ADOPTION OF AGENDA – ADOPTED AS AMENDED TO ADD ONE RESOLUTION

### B. APPROVAL OF MINUTES - APPROVED

### CONSENT

### C. RESOLUTIONS

### Claims with favorable recommendations:

O6-R-2154 (1) Claim of <u>Mamie S. Taylor and Tanesha S. Burney</u>, for vehicular damages alleged to have been sustained due to an automobile accident on May 13, 2006 at 2297 Swallow Circle, SE and Jay Place, SE. <u>\$2.550.38</u>

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# RESOLUTIONS (CONT'D)

# Claims with favorable recommendations:

06-R-2155 ( 2)	Claim of <u>State Farm Insurance Companies</u> , as subrogee of <u>Daniel Calhoun</u> , for damages alleged to have been sustained as a result of striking an open construction cut on June 8, 2006 on Bolton Road. <u>\$1,524.35</u>
06-R-2156 ( 3)	Claim of <b>Marianne Brenner Bogan</b> , for damages alleged to have been sustained as a result of being rear-ended by a City vehicle on August 5, 2005 at the intersection of Northside Drive and Echota Drive. <b>§1,319.71</b>
06-R-2157 ( 4)	Claim of <b>Donovan Boyd and Edward Boyd</b> , for vehicular damages alleged to have been sustained due to an automobile accident on June 19, 2006 at Maxwell Drive, SW and Campbellton Road, SW. <b>\$2,982.19</b>
06-R-2158 ( 5)	Claim of <b>Kenneth Alexander</b> , for damages alleged to have been sustained as a result of driving over an unsecured construction cut on August 29, 2006 at 1222 West Marietta Street.
06-R-2159 ( 6)	Claim of <u>Sharon A. Jones</u> , for damages alleged to have been sustained as a result of a vehicular accident on August 9, 2006 at 2226 Lang Drive, SW. <u>\$1,952.52</u>
06-R-2160 ( 7)	Claim of <b>Erica Card and Carol Louis Kenney</b> , for damages alleged to have been sustained as a result of driving into an unsecured construction cut on January 24, 2006 at 1360 Memorial Drive. <b>\$2,036.85</b>
06-R-2161(8)	Claim of Shakita Hudson, through her attorney, Michael Norman, for damages alleged to have been sustained as a result of an automobile accident on October 5, 2005 at

Boulder Park Drive, SW and Brownlee Road, SW. \$3,500.00

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### RESOLUTIONS (CONT'D)

### Claims with favorable recommendations:

- O6-R-2162 (9) Claim of <u>Alexander and Luis A. Lopez</u>, for damages alleged to have been sustained as a result of striking an open construction cut on July 8, 2006 at Capitol Avenue and Pollard Street. <u>\$1,420.00</u>
- O6-R-2163 (10) Claim of 430 Lindbergh Condominium Association, for property damages alleged to have been sustained when an irrigation system was destroyed during a sidewalk installation project on October 3, 2005 at 430 Lindberg Drive, NE #C-4.
- 06-R-2164 (11) Claim of **Ephron Rivers III and Tamika Rivers**, for damages alleged to have been sustained as a result of a vehicular accident on August 14, 2006 at the intersection of Memorial Drive, SW and Pryor Street, SW. **\$763.76**

- 06-R-2165 (12) Claim of <u>Michael A. Fisers</u>, for damages alleged to have been sustained from an automobile accident on January 26, 2006 at 1055 Cumberland Road, NE.
- 06-R-2166 (13) Claim of **Goode Price Weaver, Jr.**, for property damages alleged to have been sustained from a sanitary sewer backup on June 30, 2006 at 1111 Seaboard Avenue, NW.
- 06-R-2167 (14) Claim of **Emily Bridges**, for damages alleged to have been sustained as a result of a slip and fall on July 27, 2006 at 395 Piedmont Avenue, NE.
- 06-R-2168 (15) Claim of <u>Humphrey Smith</u>, for damages alleged to have been sustained as a result of driving over a pothole on July 24, 2006 at 2035 Martin Luther King, Jr. Drive.
- O6-R-2169 (16) Claim of <u>Simon Gozlan</u>, through his attorney, <u>Audi Gozlan</u>, for damages alleged to have been sustained as a result of personal injuries on September 11, 2005 at the Hartsfield-Jackson Atlanta International Airport.

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### RESOLUTIONS (CONT'D)

- 06-R-2170 (17) Claim of <u>Saneathia Jinks</u>, for damages alleged to have been sustained as a result of a flooding from a clogged catch basin on June 26, 2006 at 704 Parsons Street.
- O6-R-2171 (18) Claim of **Jackie Johnson**, for damages alleged to have been sustained as a result of a conviction in Municipal Court in September, 2005 for violations occurring at property located at 1685 Willis Mill Road, SW.
- O6-R-2172 (19) Claim of Lynda Kramer, through her attorney, Steven Jackson, for damages alleged to have been sustained as a result of personal injuries on May 23, 2006 at the Hartsfield-Jackson Atlanta International Airport.
- 06-R-2173 (20) Claim of **David Barrie**, for damages alleged to have been sustained as a result of a burglary investigation on February 22, 2006 at 1000 Eulalia Road.
- 06-R-2174 (21) Claim of **Kevin J. Leonpacher**, for damages alleged to have been sustained as a result of striking a damaged catch basin on October 5, 2004 at 87 Peachtree Street, SW.
- O6-R-2175 (22) Claim of <u>Cathedral of Faith Church of God in Christ, Inc.</u>, <u>through its attorney</u>, <u>Reginald L. Winfrey</u>, for damages alleged to have been sustained as a result of the denial of a demolition permit on December 7, 2004 at 1177 Avon Avenue.
- 06-R-2176 (23) Claim of **Geoyundra Taylor**, for vehicular damages alleged to have been sustained from an automobile accident on May 31, 2006 at 2297 Swallow Circle, SE.
- 06-R-2177 (24) Claim of **Brenda West**, for damages alleged to have been sustained as a result of a vehicular accident in December 2005 at 1394 Westboro Drive.

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# RESOLUTIONS (CONT'D)

06-R-2185 (32)

# Claims with unfavorable recommendations:

Claim of Damone Cunnigan, for vehicular damages alleged 06-R-2178 (25) to have been sustained after driving over a construction site that was left open and in an unsafe condition on July 20. 2006 at West Peachtree Street and 11th Street, NE. Claim of Richard Pilger, for vehicular damages alleged to 06-R-2179 (26) have been sustained after driving over a construction site that was left open and in an unsafe condition on July 20, 2006 at West Peachtree Street and 11th Street. NE. Claim of Betty Borden Miller, through her attorney, Joel 06-R-2180 (27) H. Roth, for damages alleged to have been sustained as a result of a slip and fall on August 18, 2006 at Hartsfield-Jackson Atlanta International Airport. Claim of Patricia Coleman, for damages alleged to have 06-R-2181 (28) been sustained as a result of a fall on the jetway on March 12, 2006 at the Hartsfield-Jackson Atlanta International Airport. 06-R-2182 (29) Claim of Paige E. Tolbert and James A. Mulholland, for damages alleged to have been sustained as a result of a tree falling on July 4, 2006 at 321 Gordon Avenue, NE. 06-R-2183 (30) Claim of Betty Hicks, through her attorney, Matthew F. **McGahren**, for damages alleged to have been sustained as a result of a slip and fall incident on November 27, 2004 at 2854 Greenbriar Parkway. Claim of Bernice Washington, for damages alleged to have 06-R-2184 (31) been sustained as a result of striking a ground wire protruding into the roadway on May 24, 2006 at 302 North Decatur Road and Bell Street.

Atlanta Avenue, SE.

Claim of Robert L. Darden, for damages alleged to have

been sustained as a result of flooding on July 5, 2005 at 206

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# RESOLUTIONS (CONT'D)

- 06-R-2186 (33) Claim of **Kenneth Knighton**, for damages alleged to have been sustained from a sewer backup on July 16, 2006 at 3941 Ester Drive, SW.
- 06-R-2187 (34) Claim of **Laura Counsins-Baker**, for damages alleged to have been sustained as a result of flooding on July 6, 2005 at 157 Ormond Street.
- O6-R-2188 (35) Claim of <u>Financial Claims, Inc., as subrogee of its insured, Travelers Property & Casualty Corporation</u>, for property damages alleged to have been sustained on an unspecified date and at an unspecified location.
- O6-R-2189 (36) Claim of <u>John Collier, through his attorney, Sam L.</u>

  <u>Starks</u>, for damages alleged to have been sustained as a result of flooding on June 25, 2006 and June 26, 2006 at 237 Atlanta Avenue, SE.
- O6-R-2190 (37) Claim of <u>Sylvester Fambro, through his attorney, Sam L.</u>

  <u>Starks</u>, for damages alleged to have been sustained as a result of flooding on June 25, 2006 and June 26, 2006 at 201 Atlanta Avenue, SE.
- O6-R-2191 (38) Claim of <u>Erica Fambro, through her attorney, Sam L.</u>

  <u>Starks</u>, for damages alleged to have been sustained as a result of flooding on June 25, 2006 and June 26, 2006 at 201 Atlanta Avenue, SE.
- 06-R-2192 (39) Claim of <u>Sandra Whetstone</u>, for damages alleged to have been sustained as a result of personal injuries due to a fall on January 25, 2006 at the Hartsfield-Jackson Atlanta International Airport.
- 06-R-2193 (40) Claim of **D. Brooks and Nancy Cowles**, for damages alleged to have been sustained as a result of a tree limb falling onto their home on August 1, 2004 at 3325 Ivanhoe Drive.

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### RESOLUTIONS (CONT'D)

- O6-R-2194 (41) Claim of Alfred Coleman, III, through his attorney John E. Falcone, for damages alleged to have been sustained as a result of personal injuries on July 25, 2006 at the Hartsfield-Jackson Atlanta International Airport.
- O6-R-2195 (42) Claim of Lonnie Character, through his attorney, John E. King, Jr., for damages alleged to have been sustained as a result of a vehicular accident on March 8, 2006 at Campbellton Road and DeLowe Drive.
- 06-R-2196 (43) Claim of <u>Alex Hunte</u>, for damages alleged to have been sustained as a result of flooding on July 6, 2005 at 202 Atlanta Avenue, SE.
- 06-R-2197 (44) Claim of **Erika Cook-Aaron**, for damages alleged to have been sustained as a result of flooding on July 6, 2005 at 198 Atlanta Avenue, SE.
- 06-R-2198 (45) Claim of **Sylvester and Eryca Fambro**, for damages alleged to have been sustained as a result of flooding on July 7, 2005 and July 8, 2005 at 201 Atlanta Avenue, SE.
- O6-R-2199 (46) Claim of Annie Wright, through her attorney, Sam L. Starks, for damages alleged to have been sustained as a result of flooding on June 25, 2006 and June 26, 2006 at 237 Atlanta Avenue, SE.
- O6-R-2200 (47) Claim of <u>Annette Wright, through her attorney</u>, <u>Sam L. Starks</u>, for damages alleged to have been sustained as a result of flooding on June 25, 2006 and June 26, 2006 at 237 Atlanta Avenue, SE.
- 06-R-2201 (48) Claim of **Arthur Fairley**, for damages alleged to have been sustained as a result of a sewer backup in March 2006 at 974 Parsons Street.

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### RESOLUTIONS (CONT'D)

### Claims with unfavorable recommendations:

- O6-R-2202 (49) Claim of **Jacquelyn Byrd**, for damages alleged to have been sustained as a result of flooding on July 6, 2005 at 202 Atlanta Avenue, SE.
- O6-R-2203 (50) Claim of <u>Allstate</u>, <u>as subrogee of Ryan Hillman</u>, for damages alleged to have been sustained as a result of a vehicular accident on July 5, 2006 at the intersection of Deering Road, NW and Alden Avenue, NW.
- O6-R-2204 (51) Claim of <u>Dan Williams</u>, for damages alleged to have been sustained as a result of the unlawful re-zoning of property located at 1371 Greenwich Street, SW.

  (Councilmember Fauver made a motion to approve items C1-C51.)

### **FAVORABLE**

### D. ORDINANCES FOR FIRST READING

O6-O-2205 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by adding to anticipations and appropriations in the amount of \$57,740.00, for grant funds from the Georgia Emergency Management Agency, in order to purchase equipment and supplies pursuant to the Buffer Zone Protection Program for Homeland Security preparedness; and for other purposes.

# TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

O6-O-2206 (2) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by adding to anticipations and appropriations in the amount of \$4,125.00, for a grant from the Governor's Criminal Justice Coordinating Council to fund one member of the Department's Command Staff to attend the 2006 Georgia International Law Enforcement Exchange to receive antiterrorism training in Israel; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

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# ORDINANCES FOR FIRST READING (CONT'D)

O6-O-2207 (3) An Ordinance by Public Safety and Legal Administration Committee to correct the Center Number in Ordinance Number 06-O-1619 adopted by the Atlanta City Council on September 05, 2006, and approved by the Mayor on September 13, 2006; and for other purposes.

# TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

#### REGULAR

### E. ORDINANCES FOR SECOND READING

O6-O-2069 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by transferring the remaining U. S. Department of Justice Grant Funds and Administrative Operations from Spelman College to the Mayor's Office of Weed and Seed in an amount not to exceed \$213,183.09; to continue the Project Safe Neighborhood Initiatives to prevent violent crime; and for other purposes.

(Councilmember Smith made a motion to approve.)

### **FAVORABLE**

O6-O-2118 (2) An Ordinance by Public Safety and Legal Administration Committee to correct the Center Number in Ordinance Number 06-O-0541 adopted by the Atlanta City Council on March 20, 2006, and approved by the Mayor on March 28, 2006; and for other purposes.

(Councilmember Fauver made a motion to approve.)

### **FAVORABLE**

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### ORDINANCES FOR SECOND READING (CONT'D)

O6-O-2245 (3) An Ordinance by Councilmembers Jim Maddox and Kwanza Hall to amend Chapter 150 of the Code of Ordinances of the City of Atlanta by creating a new Section 150-69 so as to require the use of a hands-free communications device with a mobile telephone by a person who may engage in a phone call while operating a motor vehicle in the City of Atlanta when the vehicle is in motion; and for other purposes.

(Councilmember Winslow made a motion to hold at the request of the author for further review by the Law Department.)

### **HELD**

### F. RESOLUTIONS

O6-R-2208 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Lease Agreement, on behalf of the Department of Police, with the Atlanta Independent School System, for the rental of 64,705 square feet of training and classroom space at the Harper Facility, located at 180 Southside Industrial Parkway, Atlanta, Georgia, for the Police Training Academy beginning February 1, 2007, until January 31, 2012, in an amount not to exceed \$66,204.00 annually for the first year and a 5% a year increase for subsequent years, all charges shall be paid from Fund, Account and Center Number: 1A01 525001 X25001.

(Councilmember Fauver made a motion to approve.)

### **FAVORABLE**

O6-R-2209 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to apply for and accept additional grants from the Georgia Emergency Management Agency, on behalf of the Department of Police, in an amount not to exceed \$1,000,000.00, for training and equipment to combat terrorism; and for other purposes.

(Councilmember Fauver made a motion to approve.)

### **FAVORABLE**

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# **RESOLUTIONS (CONT'D)**

06-R-2210 (3)

A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Police ("Department"), to apply for a grant from the Georgia Crime Information Center ("GCIC") in an amount not to exceed \$500,000.00 for the purpose of acquiring computer hardware and software to allow for the exchange and dissemination of criminal history information with other law enforcement agencies; and for other purposes. (Councilmember Smith made a motion to approve.)

### **FAVORABLE**

06-R-2211 (4)

A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Renewal Lease Agreement with the Simon Property Group for the rental of approximately 2846 square feet of office space located at 3393 Peachtree Road, Suite 2015, Lenox Mall, Atlanta, Georgia, for the Department of Police Zone Two Sub-Station, beginning November 1, 2006 until October 31, 2007, in an amount not to exceed \$1.00 per year to be charged to and paid from Fund, Account and Center Number: 1A01 (General Fund) 525001 (Rentals/Leases Non-Capital) X42002 (Zone 2); and for other purposes.

(Councilmember Smith made a motion to approve.)

### **FAVORABLE**

06-R-2236 (5)

A **Substitute** Resolution by Public Safety and Legal Administration Committee authorizing the City Attorney, on behalf of the City of Atlanta ("City"), to sign an Amicus Curae Brief ("Friend of the Court Brief") in support of an appeal to the United States Court of Appeals for the Eleventh Circuit which seeks to uphold the "Pat-Down" Policy adopted by the National Football League ("NFL") and implemented at facilities where NFL Games are played for safety and security purposes; and for other purposes.

(Councilmember Smith made a motion to approve on substitute.)

### **FAVORABLE ON SUBSTITUTE**

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### G. PAPERS HELD IN COMMITTEE

- 06-0-0204 (1) An Ordinance bv Councilmember Jim Maddox substituted Public Safety and Legal Administration Committee to amend Article XXIV, Section 30-1461, 30-1464, 30-1483, 30-1484 and 30-1485 of the Code of Ordinances of the City of Atlanta, Georgia entitled "Vending on Private Property" so as to add the term "Site Plan: to the definitions section; add additional vending restrictions and prohibitions; to shorten the period of time during which vendors may operate at a location; to create a new section 30-1488 to be entitled "Aesthetic Standards"; to waive conflicting Ordinances; and for other purposes. 1/10/06 for further review) (Work session held 2/22/06) (Substituted and held 10/10/06 at the request of the author for further review by the Staff and the Law Department.)
- O6-R-0433 (2) Claim of <u>Robert Colgin</u>, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. (Referred back by Council 2/20/06) (Held 2/28/06 for further investigation at the request of Councilmember Muller)
- O6-R-0633 (3) Claim of <u>Gregory V. Burson, Jr.</u>, for damages alleged to have been sustained as a result of striking an open construction cut on January 18, 2006 at 832 Pryor Street, SW. (Held 3/14/06 for further investigation at the request of Councilmember Smith)
- O6-O-1044 (4) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. (Held 5/9/06 at the request of Councilmember Martin)

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# PAPERS HELD IN COMMITTEE (CONT'D)

- O6-O-1045 (5) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-57(a)(3) so as to delete residency requirements for securing or maintaining Vehicle for Hire CPNC's; to repeal conflicting ordinances; and for other purposes. (Held 5/9/06 at the request of Councilmember Martin)
- O6-O-1142 (6) An Ordinance by Public Safety and Legal Administration Committee to waive Section 2-1854 of the City of Atlanta Code of Ordinances to allow for the re-appointment of Barney Simms to the License Review Board; and for other purposes. (Held 6/13/06 for further review)
- O6-O-1601 (7) An Ordinance by Councilman C. T. Martin to amend Article XXIII (Entitled "Vending on Public Property"), Division 1, Section 30-1401, of the Code of Ordinances of the City of Atlanta, Georgia, so as to exempt Disabled Veterans from most of the provisions of the Public Property Vending Code; to waive conflicting ordinances; and for other purposes. (Held 8/15/06 for further review.)
- O6-R-1719 (8) Claim of <u>Kay E. Stephensen and Mark T. Gilliland</u>, for damages alleged to have been sustained as a result of storm water overflow on May 16, 2003 at 1125 Rosedale Drive, NE. (Held 8/15/06 at request of Councilmember Fauver.)
- O6-O-1908 (9) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 162, Article II, Division 1, Section 162-33 of the Code of Ordinances of the City of Atlanta, Georgia ("City"), on behalf of the Department of Police, Bureau of Taxicabs and Vehicles for Hire ("Department"), for the purpose of increasing the fees the City assesses Taxicab Drivers and Taxicab Companies in order to offset the funding that's provided by the City to subsidize the Department's Operating Budget; to create a Taxicab Re-Inspection Fee; and for other purposes.

(Held 9/12/06 for a work session.)

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### PAPERS HELD IN COMMITTEE (CONT'D)

O6-R-2107 (10) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of the claim of Cynthia Mincey in the amount of \$735.85 against the City of Atlanta; and for other purposes. (Held 9/26/06 at request of Councilmember Sheperd for further review.)

# H. ITEM NOT ON THE AGENDA

### RESOLUTION

06-R-2266 (1)

A Resolution by Public Safety and Legal Administration Committee authorizing funds for settlement of the inverse condemnation case entitled <u>Annie J. Crowe V. City of Atlanta</u>, filed with the Superior Court of Fulton County, Civil Action File No.: 2001-CV-41374 in an amount of \$325,000.00 for property located at 3211 Martin Luther King, Jr. Drive, Atlanta, Georgia. Said Settlement shall be charged to and paid from Fund, Account and Center Number: Fund 1A01 (General Fund) Account 529017 (Property Liquidation) and Center Number T31001 (Non Departmental).

(Councilmember Smith made a motion to approve.)

### **FAVORABLE**

### REQUESTED ITEM

1. Councilmembers Martin and Sheperd requested Karen Rogers from the Mayor's Office Weed and Seed Program to provide them with 37 identified high crime areas and the crime statistic for the those areas.

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There being no further business to come before the Committee, the meeting was adjourned at 4:45 p.m.

**Respectfully Submitted:** 

Fredrieca Cooper Legislative Assistant

Bernard Thomas

Research and Policy Analyst

The Honorable Cleta Winslow, Chair

**Public Safety and Legal Administration Committee**